

Decision 03-03-017 March 13, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Pablo and Rubileen Chavez, dba Airporter Corner Stone Express Service, Seller, and Cornerstone Airporter LLC, Buyer, for approval of the transfer by sale of the operating authority held by Seller in passenger stage corporation certificate 12487 from Seller to Buyer, pursuant to the provisions of Public Utilities Code § 851 et seq.

Application 02-12-036
(Filed December 18, 2002)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Pablo Chavez and Rubileen Chavez (Transferor), husband and wife, to Cornerstone Airporter LLC (Transferee), a limited liability company.

Discussion

Transferor is authorized by Decision (D.) 99-09-005, as amended, to operate as a passenger stage corporation (PSC-12487) to transport persons and their baggage on an on-call basis between all points in Alameda, Santa Clara, and San Mateo Counties and certain cities in Santa Cruz County, on the one hand, and San Francisco, San Jose, and Oakland International Airports and Monterey Municipal Airport, on the other hand.

This application requests approval to transfer the PSC certificate of Transferor to Transferee. The transfer is motivated by a desire to change the legal structure under which the business operates to a limited liability company.

Transferor believes this structure allows for a more efficient and profitable operation. A Sales Agreement attached to the application as Exhibit 1 shows Transferor's business assets being sold to Transferee for \$25,325. Exhibit 2 of the application is Transferee's unaudited Balance Sheet which indicates assets of \$41,326 and no liabilities.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 30, 2002.

In Resolution ALJ 176-3105 dated January 16, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3105.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.99-09-005, as amended. Transferor requests approval to transfer a PSC certificate to Transferee.
2. The proposed transfer will not be adverse to the public interest.
3. No protest to the application has been filed.
4. A public hearing is not necessary.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Pablo Chavez and Rubileen Chavez (Transferor), husband and wife, may transfer the operative rights specified in this application to Cornerstone Airporter LLC (Transferee), a limited liability company, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service within 120 days after this order is effective and adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The CPCN granted to Transferor by Decision 99-09-005, as amended, is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-16013, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated March 13, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-16013

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Supersedes the authority heretofore granted to
Pablo Chavez and Rubileen Chavez, husband and wife, by D.99-09-005, and
D.00-11-009.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authorities granted to Pablo Chavez and Rubileen Chavez, husband and wife.

Cornerstone Airporter LLC, a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section IIA and the airports described in Section IIB, over and along the routes described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. 1. Cities of Santa Cruz, Capitola, Watsonville, Scotts Valley, and Felton in the County of Santa Cruz.
- 2. Counties of Alameda, Santa Clara, and San Mateo.
- B. San Francisco International Airport (SFO).
San Jose International Airport (SJC).
Monterey Municipal Airport (MONT).
Oakland International Airport (OAK).

SECTION III. ROUTE DESCRIPTION.

Route 1 – Santa Cruz – SFO/SJC/MONT

Commencing from any point as described in Sections IIA1, then over the most convenient streets, expressways, and highways to SFO, SJC, or MONT.

Route 2 – Alameda/Santa Clara/San Mateo – SFO/OAK/SJC

Commencing from any point as described in Sections IIA2, then over the most convenient streets, expressways, and highways to SFO, SJC, or OAK.